



Compliance Order on Consent for the SPRU Matter

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Cc: Evans Stamatakis, Claire Mills, Thomas Lieber

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History: This message has been forwarded.

Dear Mr. Urie,

Attached is a revised Compliance Order on Consent concerning the SPRU matter, along with a redline comparing the revised draft to the draft that DOE commented on in June. The redline includes DOE's original comments in the margins.

We have tried to incorporate DOE's comments to the greatest extent possible, but I wanted to flag a handful of places where the new draft either features something new or does not fully incorporate DOE's prior remarks. If you have comments, questions or concerns about the new draft, please do not hesitate to contact me.

First, you'll notice that we streamlined the introduction a bit. In addition, the language in the first full paragraph at the top of page 2 now more closely tracks the exact language of 40 C.F.R. Section 61.12(c).

Second, in what is now paragraph 97, there was an apparent disagreement between EPA and DOE as to when H-2 was transferred to DOE-EM. We have kept the date as April 13 (rather than April 1) and have included a pin cite to the footnote which we think supports the April 13 date. If we have overlooked something with respect to the appropriate date, please let us know.

Third, I believe that DOE suggested combining and simplifying certain violations --- such as those listed in what is now paragraphs 137 and 138 --- into a single paragraph. We have not incorporated that suggested change; rather, the new draft continues to list the violation of 61.94(a) separately from the violation of 61.94(b), rather than simply finding a violation of 61.94, as DOE had suggested. We have done that because, consistent with EPA's practice in prior compliance orders, we believe it is important to maintain greater precision as to the specific provisions violated.

Fourth, we removed what used to be Paragraph XIV in the Order section.

Fifth, in what is now Paragraphs IX, X, and XI in the Order section, we have retained the requirement that DOE submit certain materials to EPA for comment and approval. Previously, DOE objected to the approval requirement, but we have added citations to the regulatory authority which we think provides EPA with approval authority over these particular types of documents. Again, if you have questions or concerns about that, please let me know so that we can attempt to address them.

Sixth, we have added a new Paragraph XII in the Order section which essentially requires DOE to submit a completion report after finishing the SPRU D&D work.

Seventh, we have removed the section on "Business Confidentiality" at the very end of the compliance order, since it is not pertinent to federal agencies.

Finally, there are other less significant changes throughout the document. Some of the changes are purely cosmetic (such as on the very first page) while others involve adding some additional factual

details (such as in paragraph 76). You can see all of the changes in the redline.

We look forward to receiving your comments on the new draft. We would like to execute the compliance order as soon as possible.

- Jacob

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